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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,193	06/14/2006	Gerhard Lechler	407-387	6540
7590	08/05/2009		EXAMINER	
Mark P. Stone Attorney at Law 50 Broadway Hawthorne, NY 10532			JENNISON, BRIAN W	
			ART UNIT	PAPER NUMBER
			3742	
			MAIL DATE	DELIVERY MODE
			08/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/583,193	LECHLER, GERHARD	
	Examiner	Art Unit	
	BRIAN JENNISON	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 May 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

Response to Arguments

1. Applicant's arguments, see pages 6-8 of the reply, filed 5/4/2009, with respect to specification, title, drawings, claim 1 objections and 112 rejection of claim 9 rejections have been fully considered and are persuasive. The objection of the specification, title, drawings and claims 1 and the 112 rejection of claims 8-9 has been withdrawn.

2. Applicant's arguments filed 5/4/2009 with respect to claims 1-20 have been fully considered but they are not persuasive. See comments below.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1-6, 9-10, 12-15, 17-18, 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heinz et al (DE 101 44 731) as cited by applicant, in view of Marek et al (US 2003/0222055).**

In response to the applicants arguments on page 10 of the reply that Heinz does not disclose a mounting plate:

The elements 64 may be holders by clearly serve as a structure for mounting the electrode arms. The claim does not require the arms to move in a linear motion. All the

elements have been pointed out in the previous office action, the electric motor 6, mounting plate 64, two spindles 7 as admitted by applicant in the original specification, spindles. The motor is clearly described and since there are spindles involved there will be a servomotor involved in the spinning of the spindles mechanically driving the parts of the welding gun.

In response to the applicants arguments on page 11 of the reply that Marek does not disclose two electrode arms on a linear guide:

Fig 4 clearly shows two electrode arms mounted on a linear guide 27 with a springs 63 and will compensate for some weight of the welding gun as described in paragraph [0107]

4. In response to applicant's argument, on page 12 of the reply that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Marek et al teaches these springs for allowing the base, which is attached to a welding arm, to be released and moved for welding.

Regarding Claims 2-20: No argument is given as to why these claims are allowable over the prior art other than their dependency on claim 1. Heinz and Marek have been discussed above.

5. Claims 7-8, 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heinz et al as modified by Marek et al as applied to claims 1-2 above, and further in view of Nakamura et al (6,339,203). No argument to the contrary is given.

See previous office action.

6. Claims 11 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heinz et al as modified by Marek et al as applied to claims 1-2 above, and further in view of Taniguchi et al (US 6,337,456). No argument to the contrary is given. See Previous office action.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN JENNISON whose telephone number is (571)270-5930. The examiner can normally be reached on M-Th 7:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN JENNISON/
Examiner, Art Unit 3742

7/31/2009
/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742